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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,997	06/08/2001	Jay A. Alexander	10981507-2	1007

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Department  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER

AMINI, JAVID A

ART UNIT PAPER NUMBER

2672

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/930,997

Applicant(s)

ALEXANDER, JAY A.

Examiner

Javid A Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-65 and 67-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 19, 2004 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 58-65, 67 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 58, the phrase "enter data" line 9, the phrase "wave-related data" line 11, and the phrase "said data" line 14 render the claim indefinite because Applicant does not specify the differences of mentioned phrases.

Does Applicant mean the following phrases "enter data" "wave-related data", and "said data" are similar?

Regarding claim 58, the phrase "displayed in said dialog box" line 12, and the phrase "displaying said annotation" line 13 render the claim indefinite because Applicant does not specify the differences of mentioned phrases.

Are the following phrases similar: "displayed in said dialog box" line 12, and the phrase "displaying said annotation" line 13?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 58-65, 67-72, 74-76 rejected under 35 U.S.C. 102(b) as being anticipated by “using Quattro Pro6 for windows” ISBN 1-56529-761-X, copyright 1994 by Que corporation.

1. Claim 58.

“In a signal measurement system in which time-varying analog signal are sampled, recorded and displayed, a method for graphically displaying an annotation label on a graphical user interface on which waveforms of the time-varying analog signal are displayed, the method comprising: Quattro runs under DOS and windows and takes full advantage of the graphical user interface and multitasking capability of windows. The program supports many powerful yet easy to use features including external data access, network support, and file linking.

Quattro on page 834-835 teaches the tools database tools table link command establishes a link to an external database table and displays that link in the notebook. Quattro on page 626 teaches a “sample command”. This sample command returns a periodic or random sample of values.

Examiner’s comment: The periodic or random sample values is the digitized value, and it can be converted to it’s waveform of analog, bar, column, pie and etc.

Quattro on pages 354-355 illustrates displaying on the graphical user interface a first display element representing the function of displaying an annotation label.

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Quattro on pages 317-320 teaches receiving an indication that an operator graphically selected first display element, (see fig. 10.3 illustrates 6 display elements, 1<sup>st</sup> 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup>).

Quattro in fig. 10.4 illustrates the following steps: displaying, on the graphical user interface, a display region through which the operator can enter data related to a waveform displayed on the graphical user interface. Quattro in chapter 10 discloses a complete user interfaces to create a presentation graphics.

Quattro in fig. 10.6 illustrates graphical related data to be displayed. In fig. 10.10 illustrates the graph types dialog box. Quattro on page 322 specifying legend labels in the data block in visual association with a desired waveform feature. See the following steps: receiving through a user interface said waveform-related data to be displayed in said dialog box; and displaying said annotation label on said graphical user interface in visual association with a desired waveform feature, wherein said data is displayed in said annotation label.

2. Claim 59.

The following steps are inherent "The method of claim 58, wherein said first display element comprises any known display element supported by the graphical user interface", because the Quattro illustrates in any of the figs. in chapter 10.

3. Claim 60.

"The method of claim 58, wherein said first display element comprises an icon", Quattro illustrates display elements as graphical objects, which are equivalent to an Icon.

4. Claim 61.

"The method of claim 58, wherein said first display element comprises a graphical button rendered on a dialog box", Quattro in fig. 10.7 illustrates graphical buttons that renders the

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dialog box. The applicant should specify explicitly the first display element, because any graphical object can be considered as a first display element.

5. Claim 62.

The following step is inherent. “The method of claim 58, wherein said display region through which the operator can enter said data to be displayed in the annotation label is a window”,

6. Claim 63.

The following step is inherent, “The method of claim 58, wherein said display region through which the operator can enter said data to be displayed in the annotation label is a dialog box”,

7. Claim 64.

The following step is inherent see any figs. In chapter 10. “The method of claim 58, wherein said data to be displayed in said dialog box comprises data in the form of text strings”.

8. Claim 65.

“The method of claim 58, wherein said data to be displayed in said dialog display region comprises data in the form of graphical symbols”, Quattro in fig. 10.7 illustrates the step of this claim.

9. Claim 67.

Quattro in figs. 10.7-10.15 illustrates the steps of following claim: “The method of claim 58, further comprising: displaying a second display element on the graphical user interface indicating that the operator has the opportunity to alter the manner in which the annotation label is rendered; receiving an indication that the operator has selected said second display element; displaying, in response to said indication that the operator has selected said second display element, a rendering options display window on the graphical user interface through which the

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operator can enter rendering control information for the annotation label; receiving operator inputs applied to said rendering options display window; and displaying said annotation label in accordance with said operator inputs to said rendering options display window”,

10. Claim 69

The rejection of claim 58 applies to the rejection of claim 69.

11. Claims 70-72, 74-76.

The rejection of claim 58 applies to the rejection of claims 70-72 and 74-76.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 73 rejected under 35 U.S.C. 103(a) as being unpatentable over Quattro, and further in view of Hale et al. (hereafter refers as a Hale).

12. Claim 73

Quattro does not specify a voice recognition system but Hale et al. in fig. 1 illustrates a voice communication box 126 as one of the user interfaces. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hale into Quattro in order to have the capability of digitizing the voice communication data into a column of a spreadsheet of Quattro. Also using the data from Hale's data acquisition system to represent graphical objects in form of analog, column, bar, pie and etc. using Quattro application.

***Conclusion***

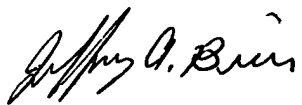
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini  
Examiner  
Art Unit 2672

Javid Amini

  
JEFFREY A. BRIN  
PRIMARY EXAMINER